

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
) CRIMINAL NO. 04-10234-NMG
v.)
)
WALLSTEIN DWAYNE ALLEN,)
Defendant)
)

**Government's Motion To Withdraw Notice of Prior Felony Drug
Conviction Previously Filed Pursuant to 21 U.S.C. § 851**

The United States of America, by Michael J. Sullivan, United States Attorney, and David G. Tobin, Assistant U.S. Attorney, hereby files this motion to withdraw an Information Regarding Prior Conviction Filed pursuant to 21 U.S.C. § 851, which was filed by the government on December 2, 2005.

In support of this motion, the United States avers the following:

1) The withdrawal of above-described Information will allow this Court to sentence the defendant to less than twenty years imprisonment. The filing of the Information doubled the mandatory minimum term of imprisonment from ten years to twenty years. The withdrawal of the Information will result in a mandatory minimum sentence of ten years. It will also allow the Court to consider the government's recommended sentence of 196 months imprisonment; and

2) allowance of this motion is in the interests of justice.

Conclusion

Based on the foregoing, the government respectfully requests that the Court allow the government's motion.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ David G. Tobin
DAVID G. TOBIN
Assistant U.S. Attorney

DATED: June 23, 2006

CERTIFICATE OF SERVICE

I hereby certify that **this** document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) .

DAVID G. TOBIN
Assistant United States Attorney

Date: **June 23, 2006**

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